

This listing of claims will replace all prior versions, and listings, of claims in the application:

IN THE CLAIMS:

Claims 1-8 (Canceled)

Claim 9 (Currently Amended): A retaining device for preventing a driver or passenger from falling out, due to centrifugal force, of a forklift truck, tractor, construction machine, agricultural machine or public utility vehicle having open sides and a roof or canopy guard having front and rear struts, the retaining device comprising:

a support extending approximately horizontally along and dividing the open sides of the vehicle;

a hinge for pivoting said support on the rear strut of the vehicle; and

a locking system for retaining said support to the front strut of the vehicle; and

an upper bow and lower bow coupled to said support and extending spaced apart from said support, wherein said upper bow extends to approximately one half of a height between said support and a roof of the vehicle.

Claim 10 (Canceled)

Claim 11 (Currently Amended): The retaining device according to claim 10 2, wherein said hinge further comprises a hinge fastening arranged at an upward incline such that said support is automatically locked.

Claim 12 (Currently Amended): The retaining device according to claim 10 2, wherein said hinge projects into the open sides of the vehicle.

Claim 13 (Currently Amended): The retaining device according to claim 10 2, wherein said locking system comprises a snap bolt.

Claim 14 (Currently Amended): The retaining device according to claim 10 2, wherein said locking system comprises a rotary drop lock.

Claim 15 (Currently Amended): The retaining device according to claim 10 2, wherein the retaining device prevents the driver or passenger from falling out by holding the driver or passenger at a shoulder point, a knee point and a hip point.

Claim 16 (Currently Amended): The retaining device according to claim 10 2, wherein said device is suitable for installation on any vehicle having open sides and a roof or canopy guard having front

and rear struts based on a seat reference point as a point of reference.

Claim 17 (Currently Amended): The retaining device according to claim ~~10~~ 9, wherein said upper bow and said lower bow are coupled to the rear strut of the vehicle via said hinge.

Claim 18 (Currently Amended): The retaining device of claim ~~10~~ 9, wherein said upper bow and said lower bow are secured directly to said support.

Claim 19 (Canceled)